

## REMARKS

Claims 1-19 are pending and have been restricted under 35 U.S.C. § 121 into the following groups:

Group I: Claims 1 and 3-5 directed to a method of selecting an agent that prevents cleavage of and APP substrate, classified in class 514, subclass 2+, for example; and

Group II: Claims 2 and 6-19 directed to a method of treatment, classified in class 514, subclass 2+.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicant elect the claims of Group I, claims 1 and 3-5 are drawn to a method of selecting an agent that prevents cleavage of and APP substrate, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group I from the claims of Group II. While the claims of Groups I and II are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. This is further indicated by the classification of the claims of Groups I and II in the same class (class 514). In particular, Groups I and II have been classified in the same class and subclass (class 514, subclass 2+). Thus, a search of the claims of Group I will, of necessity, reveal information relevant to the examination of the claims of Group II and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group I with the claims of Group II together should not be an undue burden on the Examiner.

The Examiner has additionally requested that a species election be made of an APP substrate. However, the only species recited to elect from is "APP substrate" and the claims do not recite multiple species of APP substrates. Several  $\beta$ -secretase species are recited in the claims. The claims do not recite multiple APP substrate species. Clarification is respectfully requested since the Action does not recite a list of species from which Applicants can elect.

Applicant elect the claims of Group I, claims 1 and 3-5 directed to a method of selecting an agent that prevents cleavage of and APP substrate, for examination. Applicant respectfully

**10/806,771**

request that the Restriction Requirement be reconsidered and that the claims of Group I be examined with the claims of Group II. Applicant further request clarification of the species election so Applicants may elect a single species. The Examiner is invited to call the undersigned attorney if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Astrid R. Spain/

Astrid R. Spain  
Registration No. 47,956

4370 La Jolla Village Drive, Suite 700  
San Diego, CA 92122  
Phone: 858.535.9001 ARS:cjh  
Facsimile: 858.597.1585  
**Date: October 30, 2007**

**Please recognize our Customer No. 41552  
as our correspondence address.**

SDO 58130-1.066817.0024